

875—218.203(91D) Nonmanual work.

218.203(1) The requirement that the work performed by an exempt administrative employee must be office work or nonmanual work restricts the exemption to “white-collar” employees who meet the tests. If the work performed is “office” work, it is immaterial whether it is manual or nonmanual in nature. Persons employed in the routine operation of office machines are engaged in office work although they would not qualify as administrative employees.

218.203(2) Rule 218.2(91D) does not completely prohibit the performance of manual work by an “administrative” employee. The performance by an otherwise exempt administrative employee of some manual work which is directly and closely related to the work requiring the exercise of discretion and independent judgment is not inconsistent with the principle that the exemption is limited to “white-collar” employees. However, if the employee performs so much manual work (other than office work) that the employee cannot be said to be basically a “white-collar” employee, the employee does not qualify for exemption as a bona fide administrative employee, even if the manual work performed is directly and closely related to the work requiring the exercise of discretion and independent judgment. An office employee, on the other hand, is a “white-collar” worker, and would not lose the exemption on the grounds that the worker is not primarily engaged in “nonmanual” work, although the worker would lose the exemption if the worker failed to meet any of the other requirements.

SOURCE: 29 CFR 541.203.